

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 2027—PATENTS, DATA, AND COPYRIGHTS

Subpart 2027.3—Patent Rights Under Government Contract

Sec.

2027.305-3 Follow-up by Government.

2027.305-70 Solicitation provisions and contract clauses.

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

Subpart 2027.3—Patent Rights Under Government Contracts

2027.305-3 Follow-up by Government.

(a) The contracting officer shall, as a part of the closeout of a contract, require each contractor to report any patents, copyrights, or royalties attained using any portion of the contract funds in writing.

(b) If no activity is to be reported, the contractor shall provide the following written determination before final payment and closeout of the contract:

(1) No inventions or discoveries were made,

(2) No copyrights were secured, produced, or composed,

(3) No notices or claims of patent or copyright infringement have been received by the contractor or its subcontractors; and

(4) No royalty payments were directly involved in the contract or reflected in the contract price to the Government, nor were any royalties or other payments paid or owed directly to others.

(c) The contracting officer may waive any of the requirements in paragraphs (b) (1) through (4) of this section, after documenting the file to indicate the—

(1) Impracticality of obtaining the document(s); and

(2) Steps taken to attempt to obtain them.

(d) The contracting officer shall notify agency legal counsel responsible for patents whenever a contractor re-

ports any patent, copyright, or royalty activity. The contract officer shall document the official file with the resolution to protect the Government's rights before making any final payment and closing out the contract.

2027.305-70 Solicitation provisions and contract clauses.

The contracting officer shall insert the clause at 2052.227-70, Drawings, Designs, Specifications, and Data, in all solicitations and contracts in which drawings, designs, specifications, or other data will be developed and the NRC is required to retain full rights to them (except for the contractor's right to retain a copy for its own use). When any of the clauses prescribed at FAR 27.409, Solicitation Provisions and Contract Clauses, are included in the solicitation/contract, this clause will not be used.

PART 2030—COST ACCOUNTING STANDARDS

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

Subpart 2030.2—CAS Program Requirements

2030.201-5 Waiver.

Requests to waive Cost Accounting Standards (CAS) requirements must be submitted to the Chairman, CAS Board by the Competition Advocate. The requests for waiver must be forwarded through the Head of the Contracting Activity with supporting documentation and rationale in accordance with FAR 30.201-5.

PART 2031—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 2031.1—Applicability

Sec.

2031.109-70 Contract clauses.

Nuclear Regulatory Commission

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

Subpart 2031.1—Applicability

2031.109–70 Contract clauses.

The contracting officer shall insert the clause at 2052.231–70, Precontract Costs, in all cost type contracts when costs in connection with work under the contract will be incurred by the contractor before the effective date of the contract. Approval for use of this clause must be obtained at one level above the contracting officer.

PART 2032—CONTRACT FINANCING

Subpart 2032.4—Advance Payments for Non-Commercial Items

Sec.
2032.402 General.

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

Subpart 2032.4—Advance Payments for Non-Commercial Items

2032.402 General.

(a) The contracting officer has the responsibility and authority for making findings and determinations and for approval of contract terms concerning advance payments.

(b) Before authorizing any advance payment agreements, except for subscriptions to publications, the contracting officer shall coordinate with the Office of the Chief Financial Officer, Division of Accounting and Finance, to ensure completeness of contractor submitted documentation.

PART 2033—PROTESTS, DISPUTES, AND APPEALS

Subpart 2033.1—Protests

Sec.
2033.103 Protests to the agency.

2033.215

Subpart 2033.2—Disputes and Appeals

2033.204 Policy.

2033.211 Contract Claims—Contracting officer's decision.

2033.215 Contract clause.

AUTHORITY: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

SOURCE: 64 FR 49335, Sept. 10, 1999, unless otherwise noted.

Subpart 2033.1—Protests

2033.103 Protests to the agency.

Protests to the agency are first considered by the contracting officer. In accordance with FAR 33.103(d)(4), the protestor may appeal the contracting officer's decision by delivering or providing a written request to the agency Director, Division of Contracts or Property Management, or designee, to conduct an independent review of the Contracting Officer's decision.

Subpart 2033.2—Disputes and Appeals

2033.204 Policy.

Final decisions of the NRC contracting officer on contract disputes and appeals issued under to the Contracts Disputes Act will be heard by the Department of Energy Board of Contract Appeals (EBCA) under an interagency agreement between the NRC and the Department of Energy. The EBCA rules appear in 10 CFR part 1023.

2033.211 Contract Claims—Contracting officer's decision.

The contracting officer shall alter the paragraph at FAR 33.211(a)(4)(v) to identify the Energy Board of Contract Appeals and include its address: U.S. Department of Energy, Board of Contract Appeals, HG–50, Building 950, 1000 Independence Ave., SW., Washington, DC 20585, when preparing a written decision.

2033.215 Contract clause.

The contracting officer shall use the clause at FAR 52.233–1, Disputes, with its Alternate I, where continued performance is vital to national security, the public health and safety, critical and major agency programs, or other